

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

METACEL PHARMACEUTICALS LLC,

Plaintiff,

v.

RUBICON RESEARCH PRIVATE
LIMITED,

Defendant.

No. 21cv19463 (EP) (JRA)

ORDER

Defendant having moved for summary judgment (D.E. 88), for leave to file a counterclaim (D.E. 130), and to expedite the summary judgment ruling (D.E. 131), and Plaintiff having opposed all three motions, and Defendant having replied, and the Court having considered the parties' papers and all other relevant items on the docket, and having determined that oral argument is not necessary to resolve this motion, and for good cause shown,

IT IS, on this 6th day of July, 2023, for the reasons in the accompanying sealed Opinion,

ORDERED that Defendant's motion for summary judgment (D.E. 88) is **GRANTED**; and it is further

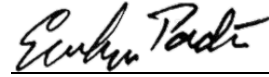
ADJUDGED that Defendant's Abbreviated New Drug Application ("ANDA") No. 214445 **DOES NOT INFRINGE** upon Plaintiff's Patent No. 10,610,502; and it is further

ORDERED that Defendant's motion to expedite (D.E. 131) is **DENIED** as moot; and it is further

ORDERED that Defendant's motion for leave to file a counterclaim (D.E. 130) is **ADMINISTRATIVELY TERMINATED** pending a further conference with the Magistrate Judge; and it is further

ORDERED that the parties shall confer and, within 14 days, email to the undersigned's chambers: (1) a proposed, redacted copy of the accompanying Opinion for filing on the public docket; and (2) a proposed Final Judgment.

July 6, 2023



Evelyn Padin, U.S.D.J.